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| In re Application of | : | OFFICE OF PETITIONS |
| Kossida, et al. | : | |
| Application No. 10/631,958 | : | DECISION GRANTING PETITION |
| Filed: August 1, 2003 | : | |
| Attorney Docket No. 004974.00951 | : | |

This is a decision on the petition filed September 17, 2004, to correct the application filed date from the currently accorded date of December 19, 2003, to August 1, 2003.

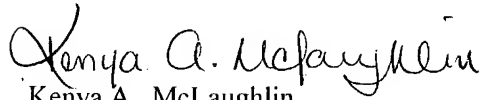
On August 1, 2003, the application was deposited.

On October 22, 2003, the Office of Initial Patent Examination mailed the Notice stating a filing date had been accorded the application, but that the oath or declaration and filing fee were missing. The Notice also indicated that Figures 1 and 2 as described in the specification appeared to have been omitted. With respect to the omitted figures, the Notice allowed a non-extendable period for reply of two months from its mailing date. On December 19, 2003, petitioner filed a response to the Notice and alleged the Figures 1 and 2 did accompany the original application papers, but, even if the figures were not located, the application was complete on filing because the application incorporated a prior application in its entirety. because drawings did not accompany the original disclosure. Obviously seeing only the omitted figures, the Office of Initial Patent Examination changed the filing date accorded the application from August 1, 2003, to December 19, 2003.

It has been determined that drawings are not, in fact, necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claims 16, 18, 21, 24, 33, 38, 41, 57, 66, 73, and 74 are method claims. The present application is, therefore, deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, was entitled to the filing date of August 1, 2003.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of August 1, 2003. Prior to the first action on the merits, petitioner should file a preliminary amendment requesting entry of Figures 1 and 2. The Office of Initial Patent Examination will issue a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions